

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re

RS OLD MILL, LLC,

Debtor.

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Chapter 11

Case No. 17-22218 (RDD)

**ORDER GRANTING NOVARTIS CORPORATION  
CONDITIONAL RELIEF FROM THE AUTOMATIC STAY**

Upon the Motion of Novartis Corporation (“**Novartis**”) by its counsel Windels Marx Lane & Mittendorf, LLP, for the entry of an order (a) compelling the Debtor, RS Old Mill, LLC (the “**Debtor**” or “**Purchaser**”), to assume or reject the agreement of sale between Novartis and the Debtor within 30 days after the date of the hearing on this Motion; (b) alternatively, terminating or reducing the periods in which only the Debtor may file a chapter 11 plan and solicit acceptances by 90 days and 30 days, respectively; or (c) alternatively, granting Novartis relief from the automatic stay to pursue its contractual and legal rights with respect to a state court case commenced prepetition by the Debtor against Novartis arising out of the agreement of sale, and (d) other related relief; and service of the Motion having been made in compliance with the applicable Bankruptcy Rules and the Local Rules of this Court, as evidenced by the affidavit of service on file with the Court; and objections to the Motion having been filed by the Debtor; and the Court having held a Hearing on March 23, 2017 to consider the Motion; and upon the record of the Hearing; and good cause appearing therefore, it is hereby

**ORDERED**, that:

1. Pursuant to 11 U.S.C. § 362(d)(1), the automatic stay is partially vacated solely to permit the parties to promptly pursue entry of an Order in the action entitled: RS Old Mill, LLC, Plaintiff against Novartis Corporation, Defendant (Index No. 030713/2017) (the “State Court Action”) so as to either permit or deny RS Old Mill, LLC the ability to conduct those tests set forth in the Invasive Investigation Notice dated December 15, 2016, a copy of which is attached as Exhibit “A” .

2. Should the State Court fail to issue a ruling within thirty (30) days from the date of this Order as to whether or not RS Old Mill, LLC may conduct those tests set forth in the Invasive Investigation Notice dated December 15, 2016, then this Court shall thereafter either issue a bench decision on the Motion or extend the time for the State Court to issue a ruling, depending on the state of facts presented to this Court at that time.

3. The parties shall appear before this Court on April 28, 2017 at 10:00 a.m. for a conference.

4. The 14-day stay of an order granting a motion for relief from the automatic stay under Bankruptcy Rule 4001(a)(3) is waived.

Dated: White Plains, New York  
March 27, 2017

/s/Robert D. Drain  
Hon. Robert D. Drain  
United States Bankruptcy Judge